

Message

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**From:** Lyn Fitterer [Ex. 6 Personal Privacy (PP)]  
**Sent:** 3/12/2015 12:41:00 PM  
**To:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**Subject:** Opposition to 90-Day Extension of Comment Period for Proposed Revisions to Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan

Dear Assistant Administrator Stanislaus,

I am writing to oppose the American Petroleum Institute, the National Ocean Industries Association, and the Spill Control Association of America's request for a ninety day extension of the comments period for these dispersants rules, and to urge the EPA to move forward on implementing these rules.

Additional delay adds additional risk to the public and the environment from the potential use of oil-spill response agents that do not meet adequate efficacy and toxicity standards. The stated purpose of the proposed revisions include "reduc[ing] the risks to human health and the environment," but a comment period of 180 days—or half a year—is an excessive delay in meeting those goals.

Moreover, EPA should deny the ninety-day extension of the comment period because revisions to Subpart J are long overdue. Stakeholders have waited fourteen years since EPA first proposed revisions to Subpart J, and nearly five years have passed since 1.84 million gallons of dispersants were used in the Gulf of Mexico in response to the Deepwater Horizon blowout without adequate knowledge of the dispersants' toxicity or long-term effects on the environment. And it has been four and a half years since Earthjustice submitted an October 13, 2010 Petition on behalf of Gulf Restoration Network and other organizations to revise Subpart J.

EPA may still strike a balance between protecting human health and the environment and allowing the public adequate time to consider the proposed Subpart J revisions. On January 22, 2015, the Citizens Coalition to Ban Toxic Dispersants and Government Accountability Project submitted a letter to EPA requesting a thirty-day extension of the comment period for the proposed revisions. A thirty-day extension, or a comment period of 120 days, provides ample time for all members of the public, including relevant industry groups, to analyze the technical aspects of the proposed revisions and provide comments accordingly.

Sincerely,

Lyn Fitterer

[Ex. 6 Personal Privacy (PP)]

Mandeville, LA

[Ex. 6 Personal Privacy (PP)]

Message

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**From:** Cheatham, Reggie [cheatham.reggie@epa.gov]  
**Sent:** 2/18/2015 10:00:43 PM  
**To:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**CC:** Breen, Barry [Breen.Barry@epa.gov]; Natarajan, Nitin [Natarajan.Nitin@epa.gov]  
**Subject:** RE: Dispersants: Subpart J Rulemaking

# Deliberative Process / Ex. 5

Thanks

Reggie Cheatham, Acting Director  
Office of Emergency Management, USEPA  
202.564.8003 (O); 202.689.9400 (M);  
cheatham.reggie@epa.gov

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**From:** Stanislaus, Mathy  
**Sent:** Tuesday, February 17, 2015 7:08 PM  
**To:** Cheatham, Reggie  
**Cc:** Breen, Barry; Natarajan, Nitin  
**Subject:** FW: Dispersants: Subpart J Rulemaking

# Deliberative Process / Ex. 5

**From:** Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]  
**Sent:** Tuesday, February 17, 2015 6:52 PM  
**To:** Stanislaus, Mathy  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Mathy,

Hope all's well. Thanks again for the briefing on the Subpart J proposed rule.

I was wondering whether EPA is considering extending the comment period for the rule and, if so, when any extension might be made public.

Many thanks,

Marianne

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**From:** Stanislaus, Mathy [mailto:Stanislaus.Mathy@epa.gov]  
**Sent:** Wednesday, January 07, 2015 10:00 AM

**To:** Marianne Engelman Lado  
**Subject:** RE: Dispersants: Subpart J Rulemaking

## Ex. 6 Personal Privacy (PP)

Sent from my Windows Phone

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**From:** Marianne Engelman Lado  
**Sent:** 1/6/2015 11:47 AM  
**To:** Stanislaus, Mathy  
**Cc:** Hannah Chang  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Mathy,

## Ex. 6 Personal Privacy (PP)

I was hoping there might be an opportunity to have a quick briefing on the proposed Subpart J rule. We and the petitioners are likely to get a significant number of inquiries about the rule, and I'd like to make sure we have the facts in a timely way. Many thanks for moving this process forward.

Best,

Marianne

Marianne Engelman Lado  
Managing Attorney, Northeast Office  
Earthjustice  
48 Wall Street, 19<sup>th</sup> Floor  
New York, NY 10005  
T: 212.845.7393  
F: 212.918.1556  
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**From:** Stanislaus, Mathy [<mailto:Stanislaus.Mathy@epa.gov>]  
**Sent:** Sunday, September 14, 2014 2:48 PM  
**To:** Marianne Engelman Lado  
**Cc:** Hannah Chang  
**Subject:** RE: Dispersants: Subpart J Rulemaking

Marianne: I'm sure you are aware that the proposed rule is in interagency review. While other organizations have availed themselves of the opportunity to meet with OMB/OIRA regarding the rule, I have not seen your organization avail itself of the right to meet with them to provide your perspective.

Sent from my Windows Phone

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**From:** Marianne Engelman Lado  
**Sent:** 7/21/2014 10:04 AM  
**To:** Stanislaus, Mathy  
**Cc:** Hannah Chang  
**Subject:** Dispersants: Subpart J Rulemaking

Mathy:

Hope you're well.

We recently noticed that the timeline for publishing a notice of proposed rulemaking for revisions of Subpart J has been moved back from July to December of this year. <http://yosemite.epa.gov/oepi/rulegate.nsf/byRIN/2050-AE87>. This not only signals yet another delay, but also a longer postponement than usual.

We were very much hoping to get some clarification on what may be causing the delay and what steps can be taken in the interim to address the uncertainties around dispersants. Please let me know whether you can schedule a time to talk by phone or in person in the coming month.

I'm cc'ing my colleague Hannah Chang. I'll be out of the office on travel between this Wednesday and August 7<sup>th</sup> and I want to make sure that this doesn't fall through the cracks.

All the best,

Marianne

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**Sent:** 2/18/2015 12:57:05 AM  
**To:** Stanislaus, Mathy [Stanislaus.Mathy@epa.gov]  
**CC:** Tulis, Dana [Tulis.Dana@epa.gov]  
**Subject:** FW: Dispersants: Subpart J Rulemaking

## Deliberative Process / Ex. 5

Reggie Cheatham, Acting Director  
Office of Emergency Management  
202-564-8003(w) 202-689-9400(c)

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